

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 17-1371 JB

ROBERT GALLARDO,

Defendant.

**ORDER**<sup>1</sup>

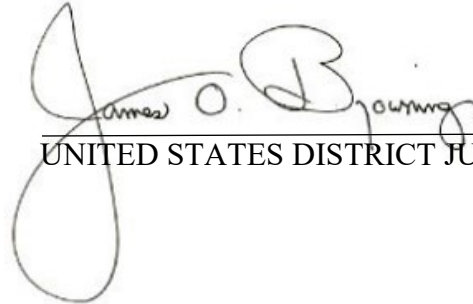
**THIS MATTER** comes before the Court on the Opposed Motion for Sentence Reduction Under Guideline Amendment 821, filed May 29, 2024 (Doc. 232)(“Motion”). The Court held a hearing on October 18, 2024. See Clerk’s Minutes at 1, filed October 18, 2024 (Doc. 258). The primary issue is whether the Court should reduce Defendant Robert Gallardo’s sentence pursuant to 18 U.S.C. § 3582(c)(2), when there was a plea agreement under rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure involving the sentence in this case, because the United States Sentencing Commission has reduced the number of criminal history “status points” Gallardo receives by enacting the newly effective and retroactively applicable criminal history “status point” calculation amendment to the United States Sentencing Guidelines. For the reasons stated on the record at the hearing, the Court denies the Motion. See Draft Transcript of Hearing at 19:9-19, taken October 18, 2024 (Court).<sup>2</sup>

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<sup>1</sup>This Order disposes of the Opposed Motion for Sentence Reduction Under Guideline Amendment 821, filed May 29, 2024 (Doc. 232). The Court will issue a Memorandum Opinion at a later date fully detailing its rationale for its decision.

<sup>2</sup>The Court’s citations to the transcript of the hearing refers to the court reporter’s original, unedited version. Any final transcript may contain slightly different page and/or line numbers.

**IT IS ORDERED** that the Opposed Motion for Sentence Reduction Under Guideline Amendment 821, filed May 29, 2024 (Doc. 232), is denied.



UNITED STATES DISTRICT JUDGE

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